

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LARRY THOMAS MCDANIEL

Defendant.

Cause No. CR 23-61-GF-BMM-1

ORDER

A grand jury indicted Defendant Larry Thomas McDaniel (“McDaniel”), in a superseding indictment with seven counts: Count 1, Possession with Intent to Distribute Controlled Substances in violation of 21 U.S.C. 841(a)(1); Counts 2-7, Distribution of Methamphetamine in violation of 21 U.S.C. § 841(a)(1); 18 U.S.C. § 2. (Doc. 35.) McDaniel was arraigned on September 19, 2023, and plead not guilty to all counts. (Doc. 40.) A plea agreement was entered by McDaniel but at the scheduled change of plea hearing, McDaniel decided not to change his plea and vacated the hearing. (Doc. 28.) McDaniel has moved to continue the trial, originally scheduled for September 12, 2023, six times. (Doc. 30.; Doc. 45.; Doc. 51.; Doc. 53.; Doc. 57.; Doc. 60.) McDaniel has been represented through the course of these proceedings by four different defense counsel.

McDaniel is currently represented by Nathan D. Ellis (“Ellis”). (Doc. 56.) McDaniel has filed four *pro se* motions since being represented by Ellis. (Doc. 66.; Doc. 70.; Doc. 71; Doc. 72.) McDaniel has filed other *pro se* motions previously while represented by counsel. (Doc. 39.; Doc. 42.; Doc. 43.; Doc. 49.) The Court held a hearing on the outstanding *pro se* motions filed by McDaniel on Tuesday, October 22, 2024 (“Hearing”). (Doc. 73.) The Court discussed McDaniel’s options to proceed *pro se* and whether McDaniel understands the charges against him. The Court recited the numerous serious criminal charges that McDaniel is facing, reiterated the possibility of conviction, and enumerated the possible lengthy jail terms and fines that McDaniel would face if convicted. McDaniel’s jury trial is currently set for December 17, 2024.

McDaniel stated he does not want to proceed *pro se*. The Court reiterated that when a defendant is represented by counsel, he is to confer with his counsel regarding the case and allow his counsel to make professional judgements about whether to file any pre-trial motions related to the charges the defendant is facing. Ellis represented to the Court that he has all the relevant discovery material related to McDaniel’s case and will confer with McDaniel on those materials.

The representations made in open court warrant a dismissal of McDaniel’s *pro se* motion for a bill of particulars (Doc. 66.), and all other pending *pro se* motions. Ellis presented to the Court that there has been adequate discovery

produced and in Ellis's possession that allows him to defend McDaniel. The Court reminded McDaniel that this Court is not the proper venue to attempt to resolve alleged illegal prior convictions in other courts. The Court is not in a position, without more factual support to know whether McDaniel's statements about the alleged breach of attorney client privilege while housed at the Roosevelt County Detention Center in Wolf Point, Montana are true and cannot rule on that at this time. McDaniel's other motions similarly lack factual support or ask the Court to rule on matters on which it has no control. Should McDaniel seek to file pre-trial motions in the future, he should consult with his counsel and have counsel file any appropriate motions.

Accordingly, **IT IS ORDERED** that McDaniel's motion for a bill of particulars (Doc. 66.) is **DENIED**.

It is further ordered that:

1. All outstanding *pro se* motions are **DENIED**.
2. McDaniel is to consult with his counsel should he seek to file future motions.

DATED this 22nd day of October, 2024.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court